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October 20, 2020

By ECF

The Honorable Gabriel W. Gorenstein
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: Chanel, Inc. v. The RealReal, Inc.; Civil Action No. 18-cv-10626-VSB-GWG

Dear Judge Gorenstein:

We are counsel for plaintiff Chanel, Inc. (“Chanel”) and write pursuant to paragraph 5 of the Court’s October 6, 2020 Order [Dkt. No. 63] to report on the status of the parties’ discussions to date regarding scheduling of mediation in this matter.

Pursuant to Your Honor’s order, on October 12, 2020, counsel for Chanel contacted counsel for defendant The RealReal, Inc. (“TRR”) and proposed mediation before a JAMS mediator (a retired federal district court judge to be selected by the parties) during the following three weeks and proposed to report to the Court as to the results of the mediation by November 10, 2020.

TRR’s counsel responded that TRR agreed to conduct a private mediation through JAMS, but did not believe that mediation would be fruitful at present given the disagreement as to certain proposed settlement points based upon prior correspondence. TRR instead proposed to mediate at or closer to the end of fact discovery in early 2021 once the record has been further developed.

I sent an email this week to suggest to opposing counsel that we discuss mediation further and understand TRR’s position with regard to proposed settlement points. I suggested that it might be prudent to explore mediation at this point and after the close of discovery rather than waiting for after the close of discovery.

In sum, the parties have agreed on the method of mediation (private mediation through JAMS), but have not agreed on a date to conduct such mediation.

Respectfully submitted,

/s/ Theodore C. Max

Theodore C. Max

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The Honorable Gabriel W. Gorenstein
October 20, 2020
Page 2

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cc: Counsel of Record